FOR MYSORE STATE

(1952) Department.

SERIES

G.O. NO. 322

Dated 3-2-1953

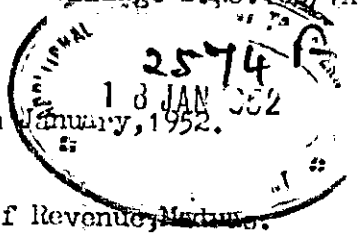
[Despatch Abstract.]

—South Kanara) — Udupi taluk —
Hagedde village — S. No 100/1A1 and 100/
ant to encroachers — Orders passed.

Revenue Department

Subject

ASSIGNMENT--Land (South Kanara)---Udipi Taluk-Yenagudde village-S.No.100/1A1 and 100/1A2 in favour of the encroachers---Proposals.



Ref.No.B. 2753/51-3

Madras. dated 8th January, 1952.

From

Sri A.F.Mascarenhas, I.A.S., Secretary, Board of Revenue, Madras.

To

Sri W.R.S.Sattianathan, I.C.S., Commissioner of Land Revenue.

Read:- South Kanara Collector's Ref.B.5.7440/50 dt.27-3-51.
Board's Ref.B. 2753/51-1 dated 4-5-51.
South Kanara Collector's No.B.5.7440/50 dated 12-7-51.
Board's Ref.B. 2753/51-2 dated 8-9-51.
South Kanara Collector's Ref.B.5.7440/51 dt. 31-10-51.

Reference:-
Submitted to the Government.

2/- The land applied for assignment is classified as river poramboke. The Executive Engineer, South Kanara division has no objection to the assignment of the encroached portions. The applicants are not landless poor persons. As recommended by the Collector the Board recommends the assignment of the plots in favour of the encroachers on collection of market value of the land.

For Secretary.

To the Secretary to Government, Revenue Department, Madras with a file of 150 pages.

ym. 9/1/

Copy of South Kanara Collector's letter No.B.5.7440/51 dated 27.3.51. to the Secretary to the Board of Revenue, Madras.

Sub:- Encroachment-River accretions-South Kanara District-Udipi Taluk-Yenegudde village-S.No. 100/1A1 and 100/1A2--grant on assignment-report-submitted.

Sri Rangappa Naika and Ramachandrya of Yenegudde have applied for the assignment of S.Nos.100/1A1 and 100/1A2 of Yenegudde village. The two plots measure 0-35 and 0-08 cents respectively. They are portions of the river poramboke field S.No.100/1A and they have been reclaimed by the petitioners who have spent considerable money on them. Sri Rangappa Naika is reported to have spent a sum of Rs. 2756/- and Sri Ramachandraya Rs.400 for relcaiming these lands. The petitioners are raising two crops of paddy at present in the two plots. Both the applicants are the registered holders of the adjoining lands S.No. 100/1B and 75/4 respectively. The portions reclaimed are necessary for them to keep the salt water of the river during the high tide from entering their patta lands. In reclaiming these lands the petitioners have raised the level of the plots also to a height of about 4 feet. A notice inviting objections against the assignment was published in the village and no objections have been received. The Executive Engineer, South Kanara division who was consulted in the matter has no objection to the assignment of the two plots.

2/- The value of the plots prior to their improvements is estimated to be about Rs.400/- per acre. Both the encroachers are willing to pay the market value at this rate. The Revenue Divisional Officer reports that the market value proposed is fair and reasonable.

3/ - According to note (1) under B.S.O. 15-35 (XII) Collectors of Malabar and South Kanara are given discretion to dispose of river accretions otherwise than by leasing them out in auction. But from the orders contained in Board's Ref.B.485/50-4 dated 12-7.1950 it is seen that in the matter of disposal of such river accretions the Board proposes to consider only the claims of political sufferers, ex-tappers and others in the order of preference enunciated in G.O No.Ms.1523 Rev.Department dt.11-6-49.

4/- This is a case where the sivoijamadars (Petitioners) have spent money and labour in reclaiming the lands. The two cases could therefore be classed under the category of cases mentioned in para 3(iii) of G.O No. 1523 Revenue Department dated 11-6-49. The lands reclaimed by the sivoijamadars are reported to be necessary for them in order to protect their lands. I recommend that the Board may be pleased to accord sanction to the transfer of the two plots from poromboke to ayan and their assignment to the petitioners subject to payment of market value.

The connected records of enquiry pages (1 to 14) are enclosed for perusal and return.

-true copy-

Copy of Board's Ref.B. 2753/51-1 dated 4-5-51, to the Collector.

Sub:- as above.
Ref:-South Kanara Collector's Ref.No.B. 57440/51 dt. 27.3.51.

It is seen from the report of the Revenue Divisional Officer, dt. 21-3-50 that the estimated cost of the reclaiming the land from a depth of 4 ft and raising its level to that of the adjoining lands is Rs.2465-0-0 In para 1 of his report cited the Collector states that the petitioners in reclaiming the lands have raised the level of the plots to a height of about four feet. But there is no indication in the records that the level of the lands has been raised to a height of four feet. He is requested to report whether the level of the lands has been actually raised or not and whether the sum of Rs. 2465/- represents the estimated cost of improvement or the actual amount spent on reclamation.

2/- The attention of the Collector is invited to the instructions contained in G.O.para 3(iii) of G.O. 1523 Revenue dt. 11-6-49 and he is requested to examine the case with reference to these instructions. He is also requested to report on the following points:-

(i) The age of the occupations; (ii) the particulars of improvements

In respect of point (iii) the Collector is requested to furnish details of the produce obtained and with necessary extracts from the adangal.

-true copy-

Copy of South Kanara Collector's letter No. B.5.7440/51 dt.12-7-51.

Sub:-Encroachment-River accretions-South Kanara district-Udipi Taluk-Yenagudde village-S.No. 100/1A1 and 100/1A2-grant on assignment proposals.
Ref:-Board's Ref.B. 2753/51-1 dated 4-5-51.

The further enquiry held in this case shows that out of an extent of 65 cents in S.No.100/1A1 the portion marked as 'A' in the eye sketch at page 41 measuring about 9 cents in extent still remains to be filled up. The remaining portion has been filled up already with sand and silt and has been raised to the level of the fields lying to the east to a height of about 4 feet. The portion marked 'A' is protected by a bund on its eastern boundary. The amount of Rs. 2465/- referred to in the Revenue Divisional Officer's report dated 21-3 51 represent the actual amount expended in reclamation. It is not an estimated expenditure of work to be done.

2. With reference to para 2 of the Board's reference I submit that it is reported that the age of the occupations is about 2 years. Paras 3 and 4 of the Tahsildar's endorsement N.Ref.DR.306/50 dated 7.6.51 contains full information regarding the improvements existing in the plots. As regards para 3(iii) of the reference, enquiry shows that the yeild obtained by the encroachers is about 12 muras of paddy per acre and that the yield obtained by Rangappa Naik over an extent of 56 cents encroached upon by him can be estimated to be about 6 muras of paddy in the 1st crop and 4 muras of paddy in the second crop for which the encroacher would have spent about Rs.200/- as cultivation expenses. Considering the heavy expenditure so far incurred for bringing the land under cultivtion the amount recouped is very little. The same is the case with Ramachandra Naik also. Extract from the land register in respect of the land in question Viz., S.No.100/1A is already in the current file at page 13. It is under these circumstances that I favour the permanent assignment of the plots.

3.The connected records of enquiry (150 pages) are enclosed.

-true copy-

Copy of Board's Ref.No. B. 2753/51-2 dated 8.9.51, to the Collector.

Sub:- as above.
Ref:- Board's Ref.B. 2753/51-1 dated 4-5-51.
South Kanara Collector's C.No.B.5.7440/51 dt.12-7.51.

In his report cited the Collector states that the age of the occupations is about 2 years The attention of the Collector is invited to the instructions contained in Government Memo.No.40263-F/49-2 dt.15-7-49 and he is requested to report whether the occupations began before 1-5-48 or subsequent to that date.

-true copy-

Copy of South Kanara Collector's letter No.B.5.7440/51 dt.31-10-51.

Sub:- As above
Ref:- Board's Ref.B. 2753/51-2 dated 8.9.51

Enquiry shows that the occupations in S.No.100/1A1 and 100/1A2 of Yenagudde village Udipi taluk began after 1-5-1948 i.e. in or about June 1948.

-true copy-

For Secretary.

Rev Dept (4)

Memo No 2574 F/52-2 dated 20.2.52

Land - (South Kanara) - Sullia taluk - Yenagunde village - SNos 100/1A1, & 100/1A2 - Grant to encroachers

From the Bd of Rev Regn B 2753/51-3 dated 8.1.52

A copy of the Bd's Regn quoted above is forwarded to the CE(I) for very urgent remarks.

17.2.52

for Secy - Dept.

CS

please

Cir 26/2/52

20/2/52

CE(I)

Maps

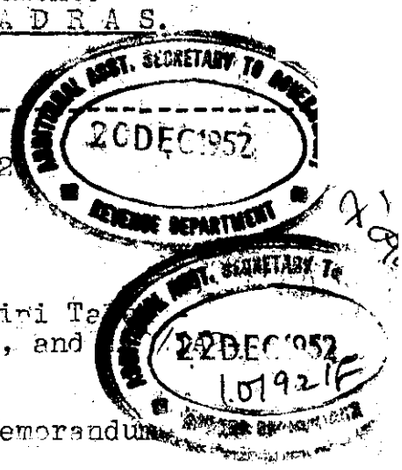
- Copy of the Bd's Regn (1 cl)

- In the Bd's file (1 cl).

PUBLIC WORKS DEPARTMENT.

From Sri
L. Venkatakrishna Ayyar, B.A., B.E., I.S.E.,
Chief Engineer for Irrigation,
Chepauk, M A D R A S.5.

To
The Secretary to Government,
Revenue Department.
M A D R A S.



Letter No 1136/52-B-6 Dated 18/12/1952

Sir,

Sub: Land - South Kanara District - Udipi Ta... Yenagudde village - S.No. 100/1A1, and ... Grant to encroachers -

Ref Government (Revenue Department) Memorandum No 2574 F/52-2 dated 20/2/1952

(B) I invite a reference to G.O. 1741 Revenue dated 17/11/1952, according to which the river accretions in South Kanara District are not to be assigned permanently and in the cases of the kind referred to, the accretions may be based for longer periods of more than five years so as to enable the lessees to recover their investments in reclaiming the lands.

2. In view of the above I recommend that the lands referred to in the Government memorandum cited, may be leased out to the petitioners for a period long enough to recover the amount already spent by them in reclaiming the lands.

K.B 3/2/- Pr MD 1/2/53

Rev Dept

Read

P1 ref — From the Bd of Rev Ref No. B=2753/51-1 dated 8-1-52.

P2 ref — Govt Memo No. 257 H F/52-2 Rev dated 20-2-52.

P3 ref — From the Chief Engineer (Irrigation) letter No. 1136/52-B6 dated 18-12-52

Eg. O. Ms. No. 322 dated 3-2-53.

In connection with the Chief Engineer (Irrigation) the govt have examined the Bd's recommendation for the assignment of S. No 100/1A1 measuring 0.65 acres and S. No 100/1A2 measuring 0.08 acres in Yenagudde village, Udipi taluk, South Kanara district on payment of market value at Rs 400 per acre to the encroachers, Messrs Rangappa Naika and Ramachandraya respectively, ~~in consultation with the Chief Engineer (Irrigation)~~. The lands in question are river accretions. The govt therefore agree with the Chief Engineer (Irrigation) that the lands referred to above should not be assigned but should only be leased out to the encroachers for a period long enough to enable them to recover their investments, with reference to the orders in Eg. O. No 171-1 Rev dated 7-6-52. The Bd is requested to take action accordingly.

MP 30/1/53, 30/1/53

31.1.53 31.1.53

The Bd of Rev (L.R.)
The Chief Engineer (Irrigation) Madras.
Copy to the P.W. Dept
Copy to 'A' section.
Sec M 1.2.53

K.B. 3/2/- Pl. issue MP 4/2/53

Rev Dept

Read

Pl ref — From the Bd of Rev Ref No. B. 2753/51-3 dated 8-1-52.

Pl ref — Govt Memo No. 257 H F/52-2 Rev dated 20-2-52.

P S ref — From the Chief Engineer (Irrigation) letter No. 1136/52-B6 dated 18-12-52

eg. O. Ms. No. 322 dated 3-2-53.

In connection with the Chief Engineer (Irrigation) the Govt have examined the

& Pl ref — Bd's recommendation for the assignment of S. No 100/1A1 measuring 0.65 acres and S. No 100/1A2 measuring 0.08 acres in Yenagudde village, Udipi taluk, South Kanara district on payment of market value at Rs 400 per acre to the encroachers, Messrs Rangappa Naika and Ramachandraya respectively, ~~in consultation with the Chief Engineer (Irrigation)~~ the lands in question are river accretions. The Govt therefore agree with the Chief Engineer (Irrigation) that the lands referred to above should not be assigned but should only be leased out to the encroachers for a period long enough to enable them to recover their investments, with reference to the orders in eg. O. No 17H-1 Rev dated 7-6-52. The Bd is requested to take action accordingly

MP 30/1/53 — 30/1/53

31.1.53 — 31.1.53

To
The Bd of Rev (L.R.)
The Chief Engineer (Irrigation) Madras.
Copy to the P.W. Dept
Copy to 'A' section.

Sec M 6-2-53

Pl issue at once from Rev
by
24/2/53

dl
24/2/53

Pl cf

Pb cf

Rev. Dept

emo No. 25714+F/52-17 dated 24-2-53.

--land - (South Kanara) - Udupi taluk - Yenaguddde village - S. No. 100/1A1 and 100/1A2 - grant to encroachers - Orders passed.

from the Bd of Rev reg No. 33-2753/51-3 dated 8-1-52.

G.O. Ms. No. 322 Rev dated 3-2-53

The records of enquiry (150 pages) on the above subject, received with the Bd's reference cited above, are returned to the Bd of Rev

by
23/2/53 23/2/53

Rec'd with thanks

The Bd of Rev (L.R.)

(with a file of 150 pages returned)

Land - (South Kanara) Udipi taluk - Yenagudde village - S.Nos. 100/1A1 and 100/1A2 - Grant to the encroachers - Proposal.

From the Bd of Rev. Refce.B.2753/51-3 d/ 8-1-52.

To A.S.

Please see the Bd.'s Refce. and its enclosures in the c.f.

2. The Collr. of S. Kanara has submitted proposals for the assignment of S.No. 100/1A1 measuring 0.65 acres, and S.No. 100/1A2 measuring 0.08 acres, in ~~the~~ Yenagudde village, Udipi taluk, S. Kanara dt. on payment of market value at Rs.400/- per acre to the encroachers Sri Rangappa Naik~~k~~ and Ramachandrya respectively, as they have spent considerable money and labour in reclaiming the lands and as the portions reclaimed by them are necessary to keep out the salt water of the Yenagudde river from their salta lands. A full history of the case is given in the Collr.'s letter on p. 2 c.f. which may be perused. The Bd. of Rev. has recommended the proposal.

3. The lands are classified as river poramboke and the P.W.D. authorities have no objection to the assignment of the ~~land.~~ sand. The encroachers have spent a large amount of money on the reclamation of the land and the Collr. has stated that ~~they have not~~ the amount recouped ~~the amount spent~~ is very little by them. Please see para 2 of the Collr.'s letter on p. 3 c.f. The lands were occupied by the encorachers only in or about June 1948, and so they cannot claim the concession under para 3(iii) of G.O.No.1523, Rev. d/ 11-6-49 read with Memo No.40263-F/49-2 Rev. d/ 15-7-49. Under para 3(iii) of G.O.No. 1523, Rev. d/ 11-6-49, unobjectionable encroachments on small extents of land i.e., on not more than 25 cents of wet or 50 cents of dry land, can be assigned or given on lease to the occupant. The lands in question have to be treated as wet lands as paddy crops are being ~~grown~~ raised on them. Sri Ramachandrya can be assigned the 0.08 acres of land occupied by him under these orders but in the case of Sri Rangappa Naik~~k~~ the extent occupied is 0.65 acres, and it ~~which~~ is in excess of the 25 cents limit fixed for wet lands ~~or the 50 cents~~

~~limit fixed for dry lands~~. But as it is reported that the encorachers have spent a large sum of money ~~on~~ the reclamation of the land, and as the lands are, ~~requested~~ required for protecting their patta lands from the salt water of the river it is for orders whether the lands may be assigned as a special case as recommended by the Collr. and the Bd. The Collr. has reported that the R.D.O. Coondapur, considered that the value of the land, fixed at the rate of Rs.400/- per acre ... General the market value fixed is arrived at by subtracting the reclamation charges from the ~~prevailing~~ present market value of the lands. In this case the reclamation charges are reported to be 2756 and Rs.400/-. It is also reported that there have been no sales of land in the vicinity. In the circumstances it is for orders whether the market value of the land may be ~~fixed at~~ fixed at Rs.400/- per acre as recommended by the Collr. and the Bd. After orders are passed on 'A' and 'B' above, the file may be sent to P.W.D. and Fin. for remarks before circulation.

A May be assigned as a special case, as recommended by the Collr & Bd
28/1/52

1144 (F)

B Mkt value fixed at Rs. 400/- per acre as recommended by Collr & Bd.
28/1/52

24/1/52
24.1.52

28/1/52 DS

This has to be treated as a special case and Board's recommendation approved. We may accept the market value of Rs 400/- per acre

PWD(S)

JS
PWD
Fin

TW D
Fin

R.V. No 2574
29/1/52
6711

Please see the Revenue Department note on pages 1 & 2 above. The land proposed for assignment is a river accretion and the E.E. South Kanara division is reported to have stated that he had no objection to the assignment of this land. It does not appear that the PE(I) has been consulted in this matter. Under the instructions in the Note under para 164 of the M.P.W.D. Code, P.W.D. and

ADDL. ASST. SECRETARY TO GOVERNMENT
30 JAN 1952
PUBLIC WORKS DEPARTMENT

to be transferred to the Revenue Deptt. This department may suggest that the C.E.(I) may be consulted in this regard.

2. The file may be passed on to Finance.

30/1 30.1.52

(Illegible)

The proposals in the file relate to the assignment of certain extents of land in Yenagundda village, Sidlipi taluk in South Kanara district, on payment of market value, to the owners of the land. Rev. proposes to accept the recommendations of the Collector, which are supported by the Board of Revenue.

P.W. however, suggests that the C.E.(I) may be consulted in the matter. Finance may agree. Revenue will no doubt send the file again to this dept in due course.

2.2.52

P.W. 2.2.52

Rev.

P.W.D. No. 6711 S/52

31.1.52

ADDITIONAL DEPUTY SECRETARY
7 FEB 1952
6947
FINANCE DEPARTMENT

ADDITIONAL ASST. SECRETARY
12 FEB 1952
7376
REVENUE

F. 11/2/52

No 6747 Accts I

8-2-52.

To A.S

Rev Dept

Please see the notes from Secretariat. P.W.D have suggested that the C.E.(I) may be consulted in the first instance. A draft memo is submitted for approval

A draft

17.2.52

18.

19.2.52

357

[Issued as Memo No. 2574-F/52-2 dated 20-2-52
From the Chief Engineer for Irrigation, Madras
letter No. 1136/52-B6 dated 18-12-52]

To A.S

Please see the notes on pp 1-3 ante, the memo on p.H & F. and the report of the Chief Engineer for Irrigation, Madras on p.5 & F.

(B) 2. According to G.O. No. 174 Rev dated 17-6-52, the river accretions in the South Kanara district should not be assigned permanently but they may only be leased and in the case of Bivojamadars who have invested some amount of money and labour on the improvement of river accretions, the leases should be granted for a period long enough to enable the lessees to recover their investments. S. Nos 100/1A1 and 100/1A2 in Yenagudde village, Udipi taluk, South Kanara district referred to, above are classified as river poramboke. In view of the orders in the G.O. referred to above, the Chief Engineer for Irrigation has recommended that the lands in question may be leased out to the petitioners for a period long enough to enable them to recover their investments. In the circumstances, it appears that the lands cannot be assigned to the petitioners but only leased out to them the recommendation of the Chief Engineer (Irrigation) at 'A' above may be accepted and the Board asked to see that the lands are leased out to the petitioners with reference to the orders in G.O. No. 174 Rev dated 17-6-52.

X in lands to be leased shd be specified S. No. & village and period of lease as well (B)

3. P.W.D and Finance [illegible] see

formarks prior to circulation.

Rev U.O. 2514-F/52

PWD 30-12-52

Finance

I.W.D. / Fin

P.W.D (S.)

Please see the Revenue Department note on pages 4 to 5 above. This department may agree to the proposal at Col. X on the previous page.

2 The file may be passed on to Finance.

P.W.D

Fin

Fin (Accts)

P.W.D U.O. 852 S/53 12-1-53

(Rev. Fin note on p 3 above)

Further notes from p. 4 above may be perused. This dept. may agree to the proposal of Rev at (2) on p 4 above

Rev. dept U.O. No. Fin. 572/Accts/1

Please see the notes from p 4 ante on the file may be circulated to M.C.L.R) and orders on the proposal at X on p 4 ante.

Minister's Room
29.1.53

as p. 4 ante may be approved

Minister's Room 29.1.53

M(LR) D.S

M/C.L.R)

ASSISTANT SECRETARY TO GOVERNMENT 852 3 JAN 1953 PUBLIC WORKS

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT 3572 15 JAN 1953 FINANCE DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT 30 JAN 1953 REVENUE DEPARTMENT

ADDITIONAL ASST. SECRETARY TO GOVT. JAN 1953

FOR S

with reference to the orders in incubation at the bottom of the previous page, a draft order is submitted for approval.

30/1/53 30/1/53

31.1.53 31.1.53